

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Ashley Fyffe, *et al.*,

§

Plaintiffs,

§

V.

§

CIVIL ACTION NO. H-09-0301

§

Bumbo Ltd.,

§

Defendant.

§

ORDER

Service of this action, filed on February 9, 2009, has not been made. Federal Rule of Civil Procedure 4(m) provides in part:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

In accordance with this rule, it is ORDERED that the plaintiffs, Ashley Fyffe *et al.*, file proof that they have effected service no later than **July 17, 2009**. Failure to do so may lead to dismissal of this action without prejudice. The initial pretrial conference set for June 26, 2009, is cancelled. It will be reset, if appropriate, after the plaintiffs have served the defendant with process in this case.

SIGNED on June 15, 2009, at Houston, Texas.



Lee H. Rosenthal
United States District Judge